UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS Dallas Division

| CHARLENE CARTER, | § § § | Civil Case No. 3:17-cv-02278-X |
|-------------------------------------|---------------|--------------------------------|
| Plaintiff, | 8 § 8 | |
| V. | \$ \$ 8 | |
| SOUTHWEST AIRLINES CO., AND | \$ § | |
| TRANSPORT WORKERS UNION OF AMERICA, | § | |
| Local 556, | § | |
| | § | |
| | § | |
| Defendants. | § | |

SOUTHWEST AIRLINES CO.'S SECOND UNOPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL / CORRECTED MOTION FOR SUMMARY JUDGMENT AND/OR PARTIAL SUMMARY JUDGMENT

Southwest Airlines Co. ("Southwest") respectfully files this unopposed motion requesting to file a corrected motion for summary judgment in accordance with the Court's orders (dkt. nos. 173, 184). In support of this motion, Southwest states as follows:

- 1. On September 2, 2021, Southwest moved for summary judgment and/or partial summary judgment. Dkt. No. 166. In its supporting brief, Southwest stated the grounds for its motion for summary judgment and/or partial summary judgment and the legal standards applicable thereto as required by Local Rule 56.3(a).
- 2. To avoid ambiguity and ensure compliance with Local Rule 56.3(a)(1)-(2), Southwest submitted a supplement to its motion setting forth the elements of the relevant claims and defenses. Dkt. No. 180. Southwest did not change the substantive grounds for its motion for summary judgment and/or partial summary judgment.

- 3. On September 15, 2021, the Court issued an order stating that if Southwest "wishes to add" to its motion, it should seek leave to amend. Dkt. No. 184.
- 4. On September 28, 2021, Southwest filed the unopposed motion seeking leave to file the corrected motion. Dkt. No. 188.
- 5. On October 4, 2021, the Court denied Southwest's motion to file the corrected motion without prejudice because it did not attach the proposed corrected filing Dkt. No. 189.
- 6. The Court indicated that it would consider a subsequent request for leave to file the corrected motion if Southwest attached a proposed pleading so the Court could confirm that it is only filed to ensure compliance with Local Rules.
- 7. As stated in its prior motion, Southwest conferred with counsel for Charlene Carter and Transport Workers Union of America, Local 556 regarding its request for leave to file a supplemental motion on September 17, 2021 and September 19, 2021, respectively. Counsel for indicated that they do not oppose Southwest's request to file the supplemental motion.

Therefore, based on the above, Southwest requests that it be granted leave to file the supplemental motion, which is attached hereto as **Exhibit A**.

Dated: October 7, 2021 Respectfully submitted,

/s/ Brian K. Morris

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CERTIFICATE OF CONFERENCE

Southwest's counsel, Brian K. Morris, conferred with Carter's counsel, Matthew Gilliam, on September 17, 2021; and with Local 556's counsel, Adam Greenfield, on September 19, 2021 regarding the requested to file a supplemental motion. Counsel indicated that they do not oppose Southwest's request to file a supplemental motion.

/s/ Brian K. Morris
Brian K. Morris

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been filed via the Court's ECF filing system which caused a copy of same to be served on all parties on this 7th day of October, 2021.

/s/ Brian K. Morris Brian K. Morris